

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:06MC51**

**PENDING BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

**PHYSICIANS FORMULA
COSMETICS, INC.,**

Petitioner,

v.

COSMED, INC.,

Registrant.

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ORDER

THIS MATTER IS BEFORE THE COURT to confirm the outcome of a telephone status conference held today with counsel for the parties and counsel for Dr. Rashid Buttar/V-SAB Medical Laboratories, Inc., the third-party subject to the pending “...Motion to Compel the Production of Documents and Appearance at Deposition” (Document No. 2). This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b).

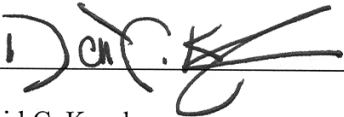
Following today’s conversation, the undersigned expects counsel for Registrant and counsel for Dr. Buttar to confer and submit a proposed order, jointly if possible, on or before February 15, 2007. The proposed order shall establish the specific subject areas and limitations to a deposition of Dr. Buttar by Registrant, any documents Dr. Buttar will provide to Registrant pursuant to the subpoena, and the location and date of the deposition. If counsel cannot agree, the Court will thereafter issue its own order resolving the dispute.

IT IS, THEREFORE, ORDERED that counsel confer and submit a proposed order, jointly,

if possible, on or before **February 15, 2007**.

SO ORDERED.

Signed: February 5, 2007



David C. Keesler
United States Magistrate Judge

